



**Northern District New York**

**Ngcoba Atkins(plaintiff)**

**Case# 6:20-cv-1217**

**(ATB/ATB)**

**Vs**

**HON. ANDREW T. BAXTER**

**Walmart Inc(defendant)**

**Notice of Motion For Summary Judgment**

**PLEASE TAKE NOTICE** that, upon the affidavit of NgcobaAtkins, sworn to October\_\_, 2021, and Plaintiff's Rule 56 Statement of Material Facts as to Which There is No Genuine Issue to be Tried, dated\_October 26,2021, and all the exhibits thereto, plaintiff will move this Court before the Honorable Andrew T. Baxter , at the United States Courthouse, 10 Broad Street, Utica, New York, for an Order pursuant to Federal Rule of Civil Procedure 56 granting plaintiff summary judgment and entering judgment on the Complaint on the grounds that: **1)defendants unlawfully terminated Mr Atkins predicated upon unlawful revoking of an approved medical accommodation, 2) Defendants have not been able or willing to produce evidence to support the basis for their defenses, rather they have only produced alleged factual statements with no supporting documentation whatsoever. 3)Defendants cannot meet the burden of establishing that the alleged facts they have presented are true and/or supported by admissible evidence that they have or intend to submit**

to the court. 4)The inability to support their position with evidence and documentation should cause for a judgment as a matter of law in favor of plaintiff, given that the plaintiff has presented evidence to support his claims and position and, that his rendition of events has been consistent in its reporting to the EEOC and now the NDNY District Court. 5)and Defendants stories are inconsistent and have been contrary to one another. 6) Finally, the Corporate Defendant is not immune under State or Federal statutes, laws, and regulations.

**Date October 27,2021**

A handwritten signature in black ink, appearing to read 'Ngcoba Atkins', with a stylized, cursive script.

**By Ngcoba Atkins (ProSe)**

**Plaintiff**

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